

STATE OF WISCONSIN
PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PSYCHOLOGY EXAMINING BOARD
PSYCHOLOGY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Psychology Examining Board relating to continuing education, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Sharon Henes, Administrative Rules Coordinator
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Department of Safety and Professional Services
PO Box 8935
Madison, WI 53708-8935
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The deadline for submitting economic impact comments is December 10, 2013.

PROPOSED ORDER

An order of the Psychology Examining Board to renumber and amend Psy 4.03; amend Chapter Psy 4 (title); repeal and recreate Psy 4.02; and create Psy 4.015, 4.03, 4.04, and 4.05 relating to psychology continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: §§ 455.06 and 455.065, Wis. Stats.

Statutory authority: §§ 15.08(5)(b) and 455.065(1) and (3), Wis. Stats.

Explanation of agency authority:

The examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession.

Specifically, the board shall promulgate rules establishing the minimum number of hours of continuing education, the topic areas that the continuing education must cover, the criteria for the approval of continuing education programs and courses required for renewal of a license, the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses, and the criteria for the approval of continuing education programs and courses required for the exemptions from the examination requirements under s. 455.04(1)(e) and (4)(f).

Related statute or rule: § 455.06, Wis. Stats.

Plain language analysis:

The rule reorganizes and clarifies the continuing education requirements for psychologists.

Section 1 inserts the words “continuing education” into the title in order to provide an easy reference for licensees.

Section 2 creates a definition section.

Section 3 repeals the current continuing education requirements in order to reorganize and create clarity. This section is recreated to include the general continuing education requirements.

Section 4 moves the current Psy 4.03 section to the end of the chapter. In addition, the section is amended to specify the number of continuing education hours which must be completed to renew a license which expired less than five years from the application for renewal.

Section 5 creates three new sections. The first section specifies approved continuing education. A psychologist may obtain continuing education as follows: completing courses from an organization approved by the American Psychological Association or National Association of School Psychologists; category I courses approved by the American Medical Association or the American Osteopathic Association; courses approved in another state the licensee holder also holds a license; teaching and presenting programs or courses; serving on a professional board or committee; authorship of a book, book chapter or article in peer reviewed journal; board certification; completion of a master’s or doctoral degree in psychopharmacology; providing supervision to trainees and evaluation of community outpatient mental health programs. The second section provides postponement, waiver and exemptions to the continuing education requirements based upon hardship or retirement. The third section specifies records of continuing education must be kept for a minimum period of six years. In addition, current rule requires a continuing education audit every biennium and this rule changes it to an audit may be done.

Summary of, and comparison with, existing or proposed federal regulation:

None

Comparison with rules in adjacent states:

Illinois: Illinois requires 24 hours of continuing education and of those 24 hours at least 3 hours must be related to the ethics. Continuing education may be earned by participating in a course or program by an approved continuing education sponsor; postgraduate training programs and for teaching in the field of psychology in an accredited college, university, graduate school or as an instructor of a program by approved sponsors. Postgraduate course and teaching courses do have maximums as to the number to be counted towards the required 24 hours. Continuing education records are to be maintained for the previous 8 years. Illinois does have provisions for waivers of continuing education for hardship.

Iowa: Iowa requires 40 hours of continuing education each biennium. For the second renewal period, licensees' continuing education shall include 6 hours in either Iowa mental health laws and regulations or risk management. For all subsequent renewals, licensees' continuing education shall include 6 hours in any of the following: ethics, federal mental health laws, Iowa mental health laws or risk management. Board members may obtain continuing education hours based upon attendance and participation at board meetings. Continuing education may be earned as follows: mandatory reporter training; programs sponsored by the American Psychological Association or Iowa Psychological Association; approved workshops, conferences or symposiums; academic coursework; home study or electronically transmitted courses; scholarly research published in recognized professional publication; and preparing and teaching courses or programs. Iowa does not have provisions on hardship waivers.

Michigan: Michigan does not require continuing education for psychologists.

Minnesota: Minnesota requires 40 hours of continuing education each biennium. Continuing education may be earned as follows: developing and teaching an academic course; attending courses or presentations based on scientific, practice or professional standards foundations; graduate level courses in psychology; developing presentation, or taped or computerized materials based on scientific, practice or professional standards foundations; and authoring, editing or reviewing a psychological publication. Continuing education records must be maintained for 8 years after the renewal date. Variances may be granted for completion of continuing education outside the biennium. The board randomly audits a percentage of renewing licensees each month for compliance with continuing education.

Summary of factual data and analytical methodologies:

The Board considered the Association of State and Provincial Psychology Board's recommendations for continuing education and the continuing education requirements of

other states. In addition, the Board reviewed the recent audit results to determine what issues required clarification for the credential holders.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

TEXT OF RULE

SECTION 1. Chapter Psy 4 (title) is amended to read:

REQUIREMENTS FOR RENEWAL AND CONTINUING EDUCATION

SECTION 2. Psy 4.015 is created to read:

Psy 4.015 Definitions. In this chapter:

- (1) "Continuing education hour" means a period of continuing education consisting of not less than 50 minutes.
- (2) "Ethics" means content consistent with one or more of the American Psychological Association's ethical principles of psychologists.
- (3) "Jurisprudence" means content relating to state and federal laws and regulations affecting the practice of psychology.
- (4) "Risk management" means content relating to the reduction of probability of incurring regulatory or malpractice actions in the practice of psychology.
- (5) "Trainee" means a person, who holds a doctoral degree in psychology, obtaining appropriate experience in psychological work under supervision per s. 455.04, Wis. Stats.

SECTION 3. Psy 4.02 is repealed and recreated to read:

Psy 4.02 Continuing education. (1) Unless granted a postponement or waiver under s. 4.04 every licensee shall complete at least 40 board approved continuing education hours in each biennial registration period, as specified in s. 455.06, Stats.

(a) A minimum of six hours of the required 40 continuing education hours shall be in ethics, risk management or jurisprudence.

(b) Continuing education hours completed in the topics of supervision or suicide prevention shall be calculated as 1.5 times the numbers of continuing education hours obtained.

(2) Continuing education hours may apply only to the registration period in which the hours are acquired. If a license has been allowed to lapse, the board may grant permission to apply continuing education hours acquired after lapse of the license to a previous biennial period of licensure during which required continuing education was not acquired. In no case may continuing education hours be applied to more than one biennial period.

(3) During the time between initial licensure and commencement of a full 2-year licensure period initial licensees shall not be required to meet continuing education requirements.

(4) Applicants from other states applying under s. 455.04 (1) (e) or (4) (f), Stats., shall submit proof of completion of at least 40 board approved continuing education hours within 2 years prior to application.

SECTION 4. Psy 4.03 is renumbered to Psy 4.06 and amended to read:

Psy 4.06 Renewal of a lapsed license. Failure to renew a license by September 30 of odd-numbered years shall cause the license to lapse. A licensee who allows the license to lapse may apply to the board for renewal of the license as follows:

(1) If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and fulfillment of ~~the~~ 40 continuing education hours.

(2) If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make an inquiry as it finds necessary to determine whether the applicant is competent to practice as a psychologist or private practice school psychologist in this state, and shall impose any reasonable conditions on renewal of the license that the board considers appropriate. An applicant under this subsection is presumed to be competent to practice as a psychologist or private practice school psychologist in this state if at the time of application the applicant is licensed by a similar examining board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure as a psychologist under s. 455.04 (1), Stats., or as a private practice school psychologist under s. 455.04 (4), Stats. The examining board shall require each applicant under this subsection to have completed at least 40 hours of continuing education in the biennium preceding the application for renewal and to pass the appropriate examination specified under s. 455.045 (1) (b) or (2) (b), Stats.

SECTION 5. Psy 4.03, 4.04 and 4.05 are created to read:

Psy 4.03 Approved continuing education. (1) The board shall approve all of the following programs and courses, if relevant to the professional practice of psychology:

(a) Continuing education programs and courses sponsored by an organization approved by one of the following:

1. American Psychological Association
2. National Association of School Psychologists

(b) Educational programs recognized as approved at the time of attendance as “category I” continuing medical education programs by the council on medical education of the American Medical Association or the American Osteopathic Association.

(c) Continuing education courses approved by the psychology licensing board in another state where the psychologist is also licensed.

(d) Graduate level courses of three semester or six quarter credits or more relevant to the professional practice of psychology offered by accredited colleges and universities.

(e) No more than eight hours of continuing education hours may be credited per day for courses and programs in par. (a) through (c).

(2) Continuing education hours shall be granted for teaching and presenting any of the programs or courses in sub. (1) but no credit will be granted for any subsequent presentations of the same program or course. A teacher or presenter may receive 2 continuing education hours for each hour of presentation with a maximum of 20 continuing education hours.

(3) Professional activity shall be awarded six hours of continuing education for each professional activity, however, no more than a total of 20 continuing education hours may be granted for professional activity. Continuing education hours shall be granted for the following professional activities:

(a) Serving on the American Psychological Association or its affiliated state psychological association board or committee.

(b) Serving on the Psychology Examining Board.

(c) Serving on the National Association of School Psychologists or its affiliated state association board or committee.

(d) Serving on the American Board of Professional Psychology board or committee.

(e) Serving on the Association of Psychology Postdoctoral Internship Centers board or committee.

(f) Serving on the Association of State and Provincial Psychology Boards committee or board.

(4) Continuing education hours shall be granted for first or second authorship of a publication relevant to psychology if the publication is contained in a peer-reviewed book, book chapter or article. Authors shall receive ten continuing education hours per authorship, but not more than a total of 20 continuing education hours may be granted for authorship.

(5) Continuing education hours shall be granted for earning board certification recognized by the American Board of Professional Psychology. Licensees who successfully complete board certification shall receive 40 continuing education hours.

The ethics, risk management or jurisprudence requirement may not be met unless the board certification process included those topics.

(6) Continuing education hours shall be granted for completion of a master's or doctoral degree in psychopharmacology. Licensees who complete a master's or doctoral degree in psychopharmacology shall receive 40 continuing education hours. The ethics, risk management or jurisprudence requirement may not be met unless the coursework included those topics.

(7) Continuing education hours shall be granted for providing supervision to one or more psychological trainees. Continuing education hours for providing supervision shall be calculated as .25 times the number of hours of supervision. No more than 20 continuing education hours may be obtained for supervision.

(8) (a) Continuing education hours shall be granted for the evaluation of community outpatient mental health programs, as defined in s. 51.01 (3n), Stats., and approved by the department of health services according to rules promulgated under s. 51.42 (7) (b), Stats. Four hours of assistance, including hours expended in necessary training by the department of health services, shall be deemed to equal one continuing education hour for the purposes of this section.

(b) Psychologists wishing to apply for continuing education credit under this subsection shall register in advance with the board, and shall notify the board on a forms provided by the board of the dates and the total number of hours in any biennium for which the applicant will be available to provide assistance. The board shall make referrals to the department of health services in the order received pursuant to requests for assistance received by the board from that department.

Psy 4.04 Postponement, Waiver and Exemptions (1) A licensee may apply to the board for a postponement or waiver of the requirements of this section on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The board shall consider each application individually on its merits, and the board may grant a postponement, partial waiver or total waiver as deemed appropriate.

(2) The board may grant an exemption from the requirements of this section to a licensee who certifies to the board that he or she has permanently retired from the active practice of psychology.

(3) A licensee who has been granted an exemption from the requirements of this section based on retirement from the active practice of psychology may not return to the active practice of psychology without submitting evidence satisfactory to the board of having completed at least 40 credits of continuing education for each of the biennia during which the licensee was granted an exemption.

Psy 4.05 Record Keeping and Audits (1) A credential holder shall retain for a minimum period of six years and shall make available to the board or its agent upon request the following proof of continuing education:

(a) Certificate of attendance issued by the program sponsor. The certificate shall include the name of credential holder, date, provider name, hours and title of course.

(b) Unofficial transcript for graduate level courses or psychopharmacology degree.

(c) Documentation of publication.

(d) Attestation form issued by the organization documenting professional activities including the dates of attendance.

(e) Documentation of board certification.

- (f) Documentation verifying the dates and number of hours of voluntary, uncompensated services provided in assisting the department of health services.
- (g) Attestation form documenting supervision including the dates of supervision and total number of hours per day.
- (2) The board may conduct a random audit of 10 percent of all licensees on a biennial basis for compliance with continuing education requirements and shall audit any licensee who is under investigation by the board for alleged misconduct.

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Member of the Board
Psychology Examining Board